

### **REMARKS**

Claims 1-18 are pending.

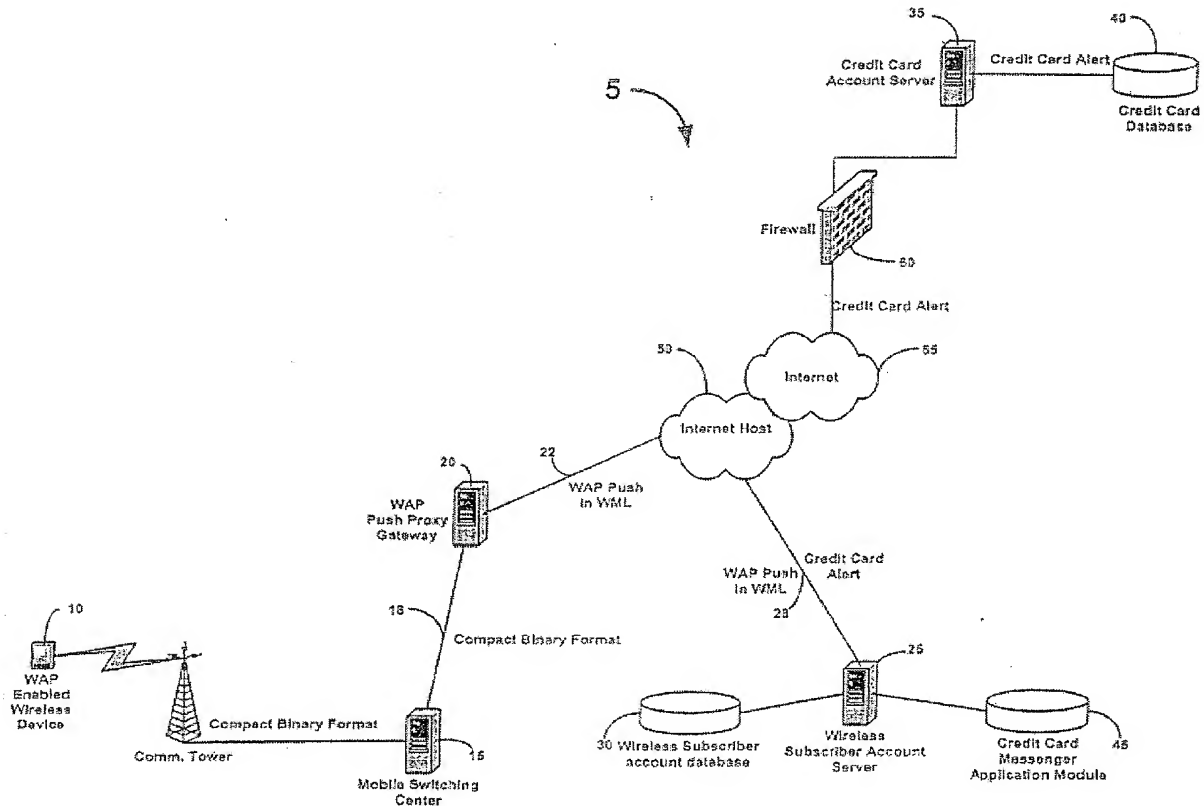
Claims 1, 6-8, 10 and 18 stand rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent Application Publication No. 2002/0013711 to Ahuja et al. (Ahuja). Claims 2-5 and 11-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ahuja in view of U.S. Patent Application Publication No. 2002/0022485 to Kolsky et al. (Kolsky). Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ahuja in view of Official Notice. Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ahuja in view of Kolsky and further in view of Official Notice.

Applicants have amended independent Claims 1, 10 and 18 for clarification. Applicants respectfully traverse the §102 and §103 rejections for the reasons set forth below.

### §102 Rejections Are Overcome

According to exemplary embodiments, systems and methods allow wireless subscribers to receive unsolicited messages regarding credit card accounts that eliminate the possibility of an embarrassing situation when attempting to purchase goods or services with a credit card over its limit or one that is temporarily suspended. Applicants' claims variously define embodiments of a credit card alert system, a method, and a system that enable a user of a wireless device to receive a message informing about an alert that has been received concerning available credit and/or credit status.

Fig. 1 from Applicants' specification is set forth below and illustrates an embodiment of a system for sending credit card status and balance information to a wireless mobile device.



An alert associated with a credit card account is generated via the credit card account data base 40 and served to the wireless subscriber account server 25 via credit card account server 35. The application module 45 receives the alert from the wireless subscriber account server

25 and accesses a wireless subscriber account database 30 to determine the correct wireless subscriber. The application module then issues a message to the identified subscriber via a WAP Push Proxy Gateway 20.

Amended independent Claim 1, for example, recites a credit alert system, comprising:

- a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account;

- a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information; and

- an application module in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a wireless device of a subscriber in response to receiving an alert from the credit card account database.

Ahuja describes a standalone notification system, including a notification server which generates electronic messages to registered customers upon their request or upon a host business request. The Ahuja system only sends alerts to customers that are registered with the system. A customer provides the system with his/her messaging identification ("ID"), e.g., e-mail address, GSM (global system for mobile communications) or other mobile phone numbers that are able to accept, e.g., short message service ("SMS") messages, facsimile number, and/or telephone number. (Ahuja, Paragraph 0009). Thus, the Ahuja system *already has a customer's wireless device information*.

In sharp contrast, the credit alert system as set forth in Claim 1 is utilized by credit card companies that do not know or have access to a customer's wireless device information. As recited in independent Claim 1, Applicants' credit alert system utilizes a wireless subscriber account server for receiving an alert from a credit card account database. A wireless subscriber account database that stores wireless subscriber account information is in communication with the wireless subscriber account server. An application module is in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a wireless device of a subscriber in response to receiving an alert from the credit card account database. Thus, according to exemplary embodiments, a credit card company sends a credit card alert to the wireless subscriber account server. The application module accesses the wireless subscriber account database to identify the wireless subscriber associated with

the credit card alert and then sends a message to the wireless device of the identified wireless subscriber.

Ahuja fails to describe a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account as recited in Claim 1. The Action cites Paragraph 0041 for teaching an account server for receiving an alert regarding at least one of available credit and credit status for a credit card account. The cited paragraph is set forth below in its entirety.

Referring to FIG. 6(a), upon successful login by an MC, the MC is linked to MC preference site 70 which utilizes a MiniApp and Transaction Executors. Further, fill-in forms, similar to those used in, for example, the CITIDIRECT® home banking system are used to collect MC data such as content to be notified on 72, preferred channel of contact 74, and a preferred time for notification 76. By way of example, the content to be notified on may include, but is not limited to information relating to the MCs checking, savings and portfolio values, interest rates, stock quotes, credit specials (e.g., special loans, low credit card rates) and other financial specials offered by the host. Specific account-notifications can include, but are not limited to, past-due-date reminders, overdrafts, credit limits, specific credit charges (e.g., single amount charges, location charges), credit fraud warnings (e.g., based on unfamiliar pattern of charges, location of charges, amount of charges) direct deposits (e.g., of salary, dividend, etc.), balance, credit card due dates, automatic bill payments, check clearing alert and ATM withdrawals. The preferred channel of contact may be selected from e-mail, HTML, pager, CSR, mobile phone text messaging, e.g., GSM, XML, facsimile, and SMS. The MC may request to be notified at specific times such as instantaneously (e.g., as soon as technologically possible when the requested event occurs), hourly, daily, weekly, or monthly. In alternative embodiments, the MC is able to select different notification times for different events. After making general notification selections via the MC preference site 70, the MC is linked to other Web pages (not shown) via the "CONTINUE" icon where they are able to provide more specific request information (e.g. phone #, fax #, requested interest rate, requested account balance information, etc . . . ). The Transaction Executors have direct access to the internal databases and servers of the host (e.g. CITIGOLD® server), subject of course to Database Access Security server restrictions (discussed below). MCs have more options to select from, which are not available to NMCs, through MC preference site 70. Further, the MC preference site 70 is capable of generating reports 78.

Paragraph 0041 describes the Web page illustrated in Fig. 6(a) that a customer utilizes to provide data, including contact data (i.e., mobile phone information, etc.) to a notification system. Thus, as discussed above, the Ahuja system only sends alerts to customers that are registered with the system and that provide the system with his/her messaging identification ("ID"), e.g., e-mail address, GSM (global system for mobile communications) or other

mobile phone numbers that are able to accept, e.g., short message service ("SMS") messages, facsimile number, and/or telephone number.

Ahuja fails to describe a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information as set forth in Claim 1. The Action cites Paragraphs 0041 and 0050 for teaching an account database in communication with the server for storing information assigned to the account. Paragraph 0050 is set forth below.

Within both the NMC preference site **80** and the MC preference site **70**, respectively, the customers are prompted to choose and provide information relating to a message they would like to receive and also to select the notification alert message gateway **40** through which they would like to be alerted of the message (**S13**). This information is saved by the notification system **10** within the host-handoff files **16**, (**S14**). The host-handoff files **16** are accessed by multiple servers (see FIG. 1) and data therefrom is compiled into specific request and notification files (**S15**). The specific requests are compared to continuously incoming information from internal and external sources (**S16**). The notification system **10** ascertains if there is a match (**S17**). If there is a match, the customer is notified according to the customer's request, through the customer's selected gateway (**S18**). If there is no match, the request is compared to the next bit of incoming information (**S19**), until the request is fulfilled.

Again, as discussed above, the cited paragraph describes that the Ahuja system only sends alerts to customers that are registered with the system and that provide the system with his/her messaging identification information.

Ahuja also fails to describe an application module in communication with a wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a wireless device of a subscriber in response to receiving an alert from the credit card account database as set forth in Claim 1. The Action cites Paragraph 0041 for teaching an application module in communication with the account server for receiving alerts for preparing a message to communicate to a wireless device. However, clearly nothing in the cited paragraph, or anywhere else in Ahuja, describes an application module in communication with a wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a wireless device of a subscriber in response to receiving an alert from the credit card account database.

Because Ahuja fails to teach or suggest all of the recitations of Claim 1, Applicants respectfully assert that the §102 rejection of independent Claim 1, and all claims depending therefrom (Claims 2-9), based upon Ahuja is overcome.

Applicants' amended independent Claim 10 recites a method for alerting a wireless device regarding a credit card account, comprising:

- receiving an alert from a credit card account database at an application module in communication with a wireless subscriber account database;
- matching the alert to a wireless subscriber's account;
- generating a message relating to the credit card account; and
- transmitting the message to a wireless device of the subscriber.

As discussed above with respect to Claim 1, Ahuja fails to describe receiving an alert from a credit card account database at an application module in communication with a wireless subscriber account database. Ahuja fails to describe matching the received alert to a wireless subscriber's account, generating a message relating to the credit card account, and transmitting the message to a wireless device of the subscriber. Because Ahuja fails to teach or suggest these recitations of Claim 10, Applicants respectfully assert that the §102 rejection of independent Claim 10, and all claims depending therefrom (Claims 11-17), based upon Ahuja is overcome.

Applicants' amended independent Claim 18 recites a system for alerting a wireless device regarding a credit card account, comprising:

- means for receiving an alert from a credit card account database;
- means for matching the alert to a wireless subscriber's account;
- means for generating a message relating to the credit card account; and
- means for transmitting the message to a wireless device of the subscriber.

As discussed above with respect to Claim 1, Ahuja fails to describe means for receiving an alert from a credit card account database, means for matching the alert to a wireless subscriber's account, means for generating a message relating to the credit card account, and means for transmitting the message to a wireless device of the subscriber. Because Ahuja fails to teach or suggest these recitations of Claim 18, Applicants respectfully assert that the §102 rejection of independent Claim 18 based upon Ahuja is overcome.

**§103 Rejections Are Overcome**

As discussed above with respect to 35 U.S.C. §102, Applicants respectfully assert that the primary reference, Ahuja, fails to teach or suggest all of the recitations of Applicants' independent Claims 1, 10 and 18. Although the secondary reference, Kolsky, describes a WAP enabled cellular telephone, Kolsky fails to overcome the deficiencies of Ahuja with respect to independent Claims 1, 10 and 18. Kolsky fails to teach or suggest a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account. Kolsky fails to teach or suggest a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information. Kolsky fails to teach or suggest an application module in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a wireless device of a subscriber in response to receiving an alert from the credit card account database.

As such, because independent Claims 1, 10 and 18 are patentable over Ahuja and Kolsky, alone or in combination, all claims depending therefrom are patentable. Applicants respectfully assert that the §103 rejections based upon Ahuja and Kolsky are overcome.

In addition, Claims 2-5 and 11-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ahuja in view of Kolsky. Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ahuja in view of Official Notice. Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ahuja in view of Kolsky and further in view of Official Notice. Each of these rejections is addressed below.

With respect to Claims 2 and 11, the combination of Ahuja and Kolsky fails to teach or suggest a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account; a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information; and an application module in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a WAP enabled wireless device of a subscriber in response to receiving an alert from the credit card account database. As such, Claims 2 and 11 are patentable over Ahuja and Kolsky, alone or in combination, for at least this additional reason.

With respect to Claims 3 and 12, the combination of Ahuja and Kolsky fails to teach or suggest a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account; a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information; and an application module in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a WAP enabled wireless device of a subscriber in response to receiving an alert from the credit card account database, and wherein the message is communicated to the WAP enabled wireless device via a gateway in communication with the account server and WAP enabled wireless device. As such, Claims 3 and 12 are patentable over Ahuja and Kolsky, alone or in combination, for at least this additional reason.

With respect to Claims 4 and 13, the combination of Ahuja and Kolsky fails to teach or suggest a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account; a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information; and an application module in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a WAP enabled wireless device of a subscriber in response to receiving an alert from the credit card account database, wherein the message is communicated to the WAP enabled wireless device via a gateway in communication with the account server and WAP enabled wireless device, and wherein the gateway includes a push proxy. As such, Claims 4 and 13 are patentable over Ahuja and Kolsky, alone or in combination, for at least this additional reason.

With respect to Claim 5, the combination of Ahuja and Kolsky fails to teach or suggest a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account; a wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information; and an application module in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate



to a WAP enabled wireless device of a subscriber in response to receiving an alert from the credit card account database, wherein the message is communicated to the WAP enabled wireless device via a gateway in communication with the account server and WAP enabled wireless device, and wherein the gateway includes a WAP push proxy. As such, Claim 5 is patentable over Ahuja and Kolsky, alone or in combination, for at least this additional reason.

With respect to Claim 14, the combination of Ahuja and Kolsky fails to teach or suggest receiving an alert from a credit card account database at an application module in communication with a wireless subscriber account database; matching the alert to a wireless subscriber's account; generating a WAP push initiator message relating to the credit card account when the credit card account exceeds a predetermined amount; and transmitting the WAP push initiator message to a WAP enabled wireless device of the subscriber via a WAP enabled push proxy gateway. As such, Claim 14 is patentable over Ahuja and Kolsky, alone or in combination, for at least this additional reason.

With respect to Claim 15, the combination of Ahuja and Kolsky fails to teach or suggest receiving an alert from a credit card account database at an application module in communication with a wireless subscriber account database; matching the alert to a wireless subscriber's account; generating a WAP push initiator message relating to the credit card account upon non-receipt of a credit payment; and transmitting the WAP push initiator message to a WAP enabled wireless device of the subscriber via a WAP enabled push proxy gateway. As such, Claim 15 is patentable over Ahuja and Kolsky, alone or in combination, for at least this additional reason.

With respect to Claim 16, the combination of Ahuja and Kolsky fails to teach or suggest receiving an alert from a credit card account database at an application module in communication with a wireless subscriber account database; matching the alert to a wireless subscriber's account; generating a WAP push initiator message relating to the credit card account upon the credit card account's designation as past due; and transmitting the WAP push initiator message to a WAP enabled wireless device of the subscriber via a WAP enabled push proxy gateway. As such, Claim 16 is patentable over Ahuja and Kolsky, alone or in combination, for at least this additional reason.

With respect to Claim 9, Ahuja in view of official notice fails to teach or suggest a wireless subscriber account server for receiving an alert from a credit card account database regarding at least one of available credit and credit status for a credit card account; a

wireless subscriber account database in communication with the wireless subscriber account server for storing wireless subscriber account information; and an application module in communication with the wireless subscriber account server for determining a wireless subscriber associated with a credit card account and for preparing a message to communicate to a wireless device of a subscriber in response to receiving an alert from the credit card account database, and wherein the wireless device is a portable computer having a wireless modem. As such, Claim 9 is patentable over Ahuja in view of official notice for at least this additional reason.

With respect to Claim 17, the combination of Ahuja and Kolsky in view of official notice fails to teach or suggest receiving an alert from a credit card account database at an application module in communication with a wireless subscriber account database; matching the alert to a wireless subscriber's account; generating a WAP push initiator message relating to the credit card account upon suspension of the credit card account; and transmitting the WAP push initiator message to a WAP enabled wireless device of the subscriber via a WAP enabled push proxy gateway. As such, Claim 17 is patentable over Ahuja and Kolsky in view of official notice for at least this additional reason.

#### Conclusion

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



Needham J. Boddie, II  
Registration No. 40,519  
Attorney for Applicants

**Customer Number 39072**

Myers Bigel Sibley & Sajovec, P.A.  
P.O. Box 37428  
Raleigh, NC 27627  
919-854-1400  
919-854-1401 (Fax)  
Doc. No. 621808

In re: A. Chet McQuaide et al.

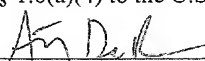
Serial No.: 10/090,180

Filed: March 4, 2002

Page 15 of 15

**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.6(a)(4) to the U.S. Patent and Trademark Office on **November 15, 2007**.

  
\_\_\_\_\_  
Anthony DeRosa